

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**FOR PLANT PATENT APPLICATION**

As the below named inventors, We hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our respective names.

We believe we are the original, first and sole inventors of a new and distinct variety of an apple tree named 'CO-OP 29', which is claimed and for which a plant patent is sought, the specification of which is attached hereto, and that we have reviewed and understand the contents of the above-identified specification, including the claim.

We hereby state that a new and distinct variety has been asexually reproduced under the direction and control of at least one of the inventors. The new and distinct variety was developed out of a hybridization program. The original tree was growing in a cultivated area when selected.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, plant breeders rights certificate, or inventor's certificate listed below and have also identified below any foreign application for patent, plant breeders rights certificate, or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
(Number)	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Country)	(Day/Month/Year Filed)

Each inventor hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full Name of First Inventor: Jules Janick

Inventor's Signature



Dec 12, 2001  
Date

Residence: 420 Forest Hills Drive, West Lafayette, Indiana 47906

Citizenship: United States of America

Post Office Address: 420 Forest Hills Drive, West Lafayette, IN 47906

Full Name of Second Inventor: Edwin B. Williams

Inventor's Signature

Edwin B Williams

Dec 11, 2001  
Date

Residence: 801 S. 12<sup>th</sup> St., Lafayette, Indiana 47905

Citizenship: United States of America

Post Office Address: 801 S. 12<sup>th</sup> St., Lafayette, IN 47905

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Janick et al.

Application No: --

Filed: herewith

For: APPLE TREE NAMED 'Co-op 29'

POWER OF ATTORNEY BY ASSIGNEE  
(REVOCATION OF PRIOR POWERS)

COMMISSIONER FOR PATENTS

Washington, DC 20231

As assignee of Purdue Research Foundation (assignment herewith) of the entire interest of the Application referenced above, all powers of attorney previously given are hereby revoked. The practitioners associated with the customer number provided below are hereby appointed to transact all business in the U.S. Patent and Trademark Office connected with the referenced application and all continuations and divisionals thereof.

Customer number		 <b>24197</b> <small>KSCLW</small>	
Name	Reg. No.	Name	Reg. No.
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BURG, Daniel B.	41,649	PETERSEN, David P.	28,106
CALDWELL, Lisa M.	41,653	POLLEY, Richard J.	28,107
CARLSON, Anne	47,472	RINEHART, Kyle B.	47,027
GIRARD, Michael P.	38,467	RUPERT, Wayne W.	34,420
HAENDLER, Jeffrey B.	43,652	RYBAK, Sheree L.	47,913
HARDING, Tanya M.	42,630	SCOTTI, Robert F.	39,830
JAKUBEK, Joseph T.	34,190	SIEGEL, Susan Alpert	43,121
JONCUS, Stephen J.	44,809	SLATER, Stacey C.	36,011
JONES, Michael D.	41,879	STEPHENS Jr., Donald L.	34,022
KLARQUIST, Kenneth S.	16,445	STUART, John W.	24,540
KLITZKE II, Ramon A.	30,188	VANDENBERG, John D.	31,312
LEIGH, James S.	20,434	WHINSTON, Arthur L.	19,155
MCLEOD, Richard D.	46,921	WIGHT, Stephen A.	37,759
MAURER, Gregory L.	43,781	WINN, Garth A.	33,220
MIRHO, Charles A.	41,199	ZASTROW, Devon J.	P-50,175
NOONAN, William D.	30,878		

Address all future correspondence to:

Customer Number



24197

KSCLW

Address all telephone calls to David P. Petersen at telephone number (503) 226-7391.

The undersigned is authorized to sign this Power of Attorney by Assignee on behalf of  
the assignee.

Executed at W.Lafayette on the 10th day of December, 2001.

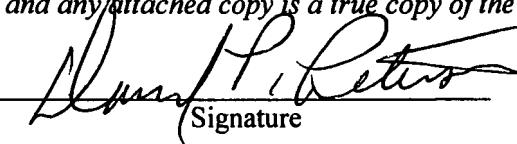
By Bruce L Pershing

Name Bruce L. Pershing

Title Investment Officer and Corporate Secretary

**RECORDATION FORM COVER SHEET - PATENTS ONLY**

**BOX PATENT APPLICATION**  
**COMMISSIONER OF PATENTS AND TRADEMARKS**  
**WASHINGTON, D.C. 20231**

<b>1. Total number of pages including cover sheet, attachments and document:</b> 4	
<b>2. Name of Conveying Party(ies) and Execution Date(s) of Document(s)</b> <input type="checkbox"/> Check here if additional name(s) attached Name(s): Jules Janick and E. B. Williams Execution Date(s): December 12, 2001, and December 11, 2001	
<b>3. Name and address of receiving party</b> <input type="checkbox"/> Check here if additional name(s) & address(es) are attached Name      Purdue Research Foundation Address    1291 Cumberland Avenue City      West Lafayette      State/Country Indiana      Zip 47906	
<b>4. Nature of Conveyance</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Name Change <input type="checkbox"/> Other:	
<b>5. Total number of applications and patents involved:</b> 1	
<b>6. Total Fee Enclosed (37 C.F.R. § 3.41):</b> \$40.00	
<b>7. <input checked="" type="checkbox"/> Check here if any deficiency/overpayment is authorized to be charged to deposit account 02-4550</b>	
<b>8. Enter either the Execution date (of the Declaration and Power of Attorney), Application Number, or the Patent Number. Do not enter more than one number for the same patent.</b> A. <input checked="" type="checkbox"/> This document is being filed with a new application. Execution date is: <u>12/12/01 and 12/11/01</u> B. <input type="checkbox"/> Patent Application No.(s) or Patent No.(s): _____ <input type="checkbox"/> Check here if additional numbers are attached	
<b>9. Correspondent's name, address, and telephone number</b> David P. Petersen Klarquist Sparkman, LLP One World Trade Center, Suite 1600 121 S.W. Salmon Street Portland, Oregon 97204-2988 Telephone: 503-226-7391	
<b>10. <input checked="" type="checkbox"/> Please return the attached postcard to confirm that these items have been received.</b>	
<b>11. Statement and signature</b> <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>	
David P. Petersen Name of Person Signing	 Signature
December 21, 2001 Date	

## A S S I G N M E N T

WHEREAS, We, Jules Janick, of West Lafayette, County of Tippecanoe, State of Indiana, and Edwin B. Williams, of Lafayette, County of Tippecanoe, State of Indiana, have invented a certain invention, entitled APPLE TREE NAMED 'Co-op 29', for which we are making application for Letters Patent of the United States, said application having been executed by each of us the same day as set forth next to our respective signatures below; and

WHEREAS, Purdue Research Foundation, a corporation organized under the laws of the State of Indiana, having a place of business at Purdue University, 1291 Cumberland Avenue, West Lafayette, Indiana 47906, is desirous to acquire an interest therein:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, Jules Janick and Edwin B. Williams, hereby sell, assign and transfer to Purdue Research Foundation, the full and exclusive right, title and interest in and to said invention, patent application and patent rights throughout the world, including foreign patent priority rights and foreign Plant Breeders Rights, the right to file and prosecute International Applications, including under the Patent Cooperation Treaty, the right to file and prosecute applications under the European Patent Convention, and the right to file and prosecute applications under the International Union for the Protection of New Varieties (UPOV) and the European Community Plant Variety Office (CVPO); said invention, application, letters patent and varieties protection in this or any foreign country, and all divisions, continuations, reissues and extensions thereof, to be held and enjoyed by Purdue Research Foundation, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and entirely as the same would have been held by me had this assignment and sale not been made, and covenant that I have full right so to

do, and agree that I will communicate to Purdue Research Foundation, or its successors and assigns, any facts known to me respecting said invention, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, and do everything possible to aid Purdue Research Foundation, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

We hereby grant the law firm of Klarquist Sparkman Campbell Leigh & Whinston, LLP, the power to insert on this Assignment any further information which may be necessary or desirable in order to comply with all applicable legal requirements, including the rules of the United States Patent and Trademark Office, for submitting and recording this document.

Signed: Jules Janick  
Jules Janick  
Date: Dec. 12, 2001

STATE OF INDIANA )  
                      )  
                      ss.  
COUNTY OF Tippecanoe )

This 12 day of December, 2001, before me personally came the above-named Jules Janick, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Colleen K. Martin  
Notary Public For Indiana – Print Name

My commission  
expires: 4-17-2008

[SEAL]

Colleen K. Martin  
Notary Public State of Indiana  
Clinton County  
My Commission Exp. April 17, 2008

Signed: Edwin B. Williams  
Edwin B. Williams

Date: Dec. 11, 2001

STATE OF INDIANA )  
                      )  
COUNTY OF Tippecanoe ) ss.

This 11<sup>th</sup> day of December, 2001, before me personally came the above-named Edwin B. Williams, who executed the foregoing instrument in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

Courtney A. Hedge  
Notary Public For Indiana – Print Name  
Courtney A. Hedge

My commission  
expires: AUGUST 17, 2009

[SEAL]

COURTNEY A HEDGE  
NOTARY PUBLIC STATE OF INDIANA  
BOONE COUNTY  
MY COMMISSION EXP. AUG. 17, 2009